

**ORAL AND VIDEOTAPED DEPOSITION OF  
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1 A. Yes.  
2 Q. Before April 6th, 2012, you never went to  
3 Kroger H – Kroger's HR department regarding David  
4 Castillo, right?  
5 A. I went but I don't know exact time I went.  
6 Q. You went to Kroger's HR department?  
7 A. Yes. I don't know when.  
8 Q. Who in Kroger's HR department did you go to  
9 prior to April 6th, 2012?  
10 A. I went for the situation.  
11 Q. Who did you talk to in HR?  
12 A. It was a man there. I don't know his name.  
13 Q. When did that happen?  
14 A. That was a long time ago. That was when I  
15 went – I went with my lawyer.  
16 Q. You went with your lawyer?  
17 A. You know when you – you're talking about when  
18 – when this happened?  
19 Q. Well, listen very carefully to my question.  
20 My question was: Before April 6th, 2012 –  
21 A. Before it happened?  
22 Q. – before it happened, did you make any  
23 complaints to Kroger's HR department about David  
24 Castillo?  
25 A. Only to when this – to – to – let's see.

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1 discussing with Tony about the situation.  
2 MR. BARRON: I'm going to object to that  
3 as nonresponsive.  
4 Q. (By Mr. Barron) Okay. In your – going back  
5 to Exhibit 2, and I'm just going to use the Bates  
6 numbers. So go back to – so find Exhibit 2, which is  
7 the synopsis. Yeah. And if you look at the bottom in  
8 the middle, there's a number. That's what I'm going to  
9 use since that's how it's – the pages are labeled.  
10 A. What number are you on?  
11 Q. Yeah, I'm on 38.  
12 A. Okay.  
13 Q. Yeah. Okay. And at the bottom of that page  
14 it talks about, the second week of September David  
15 Castillo snuck up on you and grabbed you by the  
16 testicles and squeezed them very hard and said, When are  
17 you going to give me some? And you said, Never. He lot  
18 go and walked away, laughing.  
19 Let's talk about that incident. Do you  
20 believe that he thought it was funny?  
21 A. Yes, he did. He was laughing.  
22 Q. Okay. Do you – do you believe that David  
23 Castillo actually wanted to have sex with you?  
24 A. Yes.  
25 Q. Why do you believe that?

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1 Until he did this incident with the knife and then –  
2 and then I told them everything.  
3 Q. After the knife incident?  
4 A. After, uh-huh.  
5 Q. Listen to my question. My question is:  
6 Before the knife incident, did you ever make a complaint  
7 to Kroger's HR department about David Castillo?  
8 A. No, I didn't know nothing about them.  
9 Q. Okay.  
10 A. I didn't know what – even know what that is.  
11 Q. That's fair. I'm just trying to get an answer  
12 to my question.  
13 A. I don't know what – what they are.  
14 Q. Okay.  
15 A. I don't even know what they are.  
16 Q. Before April 6th, 2012, do you recall giving  
17 anybody a statement in writing about David Castillo and  
18 him harassing you?  
19 A. To who?  
20 Q. To anybody. Before the knife incident, do you  
21 recall giving a statement in writing about David  
22 Castillo to anybody before the knife incident?  
23 MR. CAYCEDO: Objection, asked and  
24 answered.  
25 A. I don't remember. It was more talking to,

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1 A. Because he told me he raped guys in jail.  
2 Q. Do you think it's possible that he was just a  
3 jerk and wanted to intimidate you or bully you in some  
4 way?  
5 A. No, I – I think it was more than – than  
6 bullying. It was a lot more than that. He has his  
7 hands all over me.  
8 Q. How many times in total did he touch you?  
9 A. One, two, three. I know he grabbed me down  
10 there; he pinched me; he ran his hand up my ass crack.  
11 Q. Okay.  
12 A. And he would walk by me and – he would walk  
13 by me and – and he would – he would bump into me, like  
14 touch my back, like rub my back, working, you see, and  
15 he would just rub up on me.  
16 Q. Hold on, don't go too far. You've got a cable  
17 on you.  
18 A. Like rub up to me. You know what I'm saying?  
19 COURT REPORTER: Wait, wait.  
20 A. I'm sorry.  
21 Q. (By Mr. Barron) Yeah, you're going to get the  
22 cables.  
23 A. I'm sorry.  
24 Q. That's okay.  
25 A. I'm sorry. But I mean, he would – you



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<p>1 understand what I'm saying?</p> <p>2 Q. Yeah.</p> <p>3 A. He would, like, bump into me like that.</p> <p>4 Q. Like brush against you?</p> <p>5 A. Yeah.</p> <p>6 Q. Okay.</p> <p>7 A. You understand?</p> <p>8 Q. Yeah, yeah. Okay.</p> <p>9 A. I'm sorry I got up because I was trying to</p> <p>10 show you.</p> <p>11 Q. No, that's okay. You're fine.</p> <p>12 A. I was trying to show you.</p> <p>13 Q. Okay. So I want to make sure I understand all</p> <p>14 the times that he touched you. There - in - in your</p> <p>15 - in your statement here you said that he grabbed you</p> <p>16 on the butt. Was that the first time? That's the first</p> <p>17 time I see in here -</p> <p>18 A. Yes.</p> <p>19 Q. - that he touched you.</p> <p>20 A. He - he squeezed me real hard.</p> <p>21 Q. Okay.</p> <p>22 A. Like that, really hard.</p> <p>23 Q. And you had - you had pants on, right?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Where were you when he grabbed your</p>	<p>1 Q. Your best recollection.</p> <p>2 A. I don't know.</p> <p>3 Q. I mean, he didn't sit there and hold you for</p> <p>4 10 minutes, right?</p> <p>5 A. No, of course not.</p> <p>6 Q. Okay. So it was just more like a -</p> <p>7 A. Yeah, a little -</p> <p>8 Q. - a touch and you brushed it away, or a</p> <p>9 squeeze and you brushed it away?</p> <p>10 A. Yeah.</p> <p>11 Q. Right?</p> <p>12 A. And I pushed him away, yeah.</p> <p>13 Q. Okay. And then he made the comments that you</p> <p>14 have written down here, right?</p> <p>15 A. Yes.</p> <p>16 Q. And then it looks like the second time you</p> <p>17 allege that he touched you, he snuck up on you and</p> <p>18 grabbed you by the testicles.</p> <p>19 A. Yes.</p> <p>20 Q. Tell me about - tell me about exactly what</p> <p>21 happened there.</p> <p>22 A. He stuck his hand down there and he squeezed</p> <p>23 them real hard. And I told Tony about it.</p> <p>24 Q. Okay.</p> <p>25 A. I told -</p>
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<p>1 butt?</p> <p>2 A. In the cooler.</p> <p>3 Q. And - and where was he?</p> <p>4 A. He was in the cooler. He came behind me.</p> <p>5 Q. Okay. Did you know he was there?</p> <p>6 A. No, I didn't. I was bending over when he got</p> <p>7 me.</p> <p>8 Q. Okay. So you were bending over?</p> <p>9 A. That's when he got me.</p> <p>10 Q. And he - he grabbed your butt?</p> <p>11 A. Real hard.</p> <p>12 Q. How - he pinched it hard?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Now, was it a pinch or a grab?</p> <p>15 A. No, he grabbed me real hard.</p> <p>16 Q. Like his full hand?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. How long did he - did he touch you?</p> <p>19 A. He grabbed me like that, and he squeezed real</p> <p>20 hard. And I turned around like that, and I - I went</p> <p>21 like this, leave me alone.</p> <p>22 Q. So would you say just maybe, like, a second?</p> <p>23 A. I can't give a time frame.</p> <p>24 Q. Well -</p> <p>25 A. I don't know.</p>	<p>1 Q. Hold on. Where were you when it happened?</p> <p>2 A. Not in that cooler. I was in the prep room.</p> <p>3 Q. Okay. And were you sitting down, were you</p> <p>4 standing up, were you -</p> <p>5 A. I was standing up.</p> <p>6 Q. Okay. And where was Mr. Castillo?</p> <p>7 A. Huh?</p> <p>8 Q. Did he approach you from the - from the back,</p> <p>9 from the side? How did he get close to you?</p> <p>10 A. He approached me - he was coming - I was -</p> <p>11 I was working, I had my back like that, and he came</p> <p>12 around - around me on the side.</p> <p>13 Q. Okay.</p> <p>14 A. And put his hand down there.</p> <p>15 Q. Okay. So you had - you had clothes on; you</p> <p>16 had pants on, right?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Okay. You said he grabbed your testicles?</p> <p>19 A. Real hard.</p> <p>20 Q. Real hard?</p> <p>21 A. Uh-huh.</p> <p>22 Q. Did he grab you from behind or from the front?</p> <p>23 A. From the front.</p> <p>24 Q. Okay. So he just reached down and - and</p> <p>25 squeezed?</p>



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1 A. Uh-huh.  
2 Q. Okay. How long did he – did he squeeze?  
3 Just like a second?  
4 A. I can't give you a time frame.  
5 Q. Okay. But was it pretty quick?  
6 A. No, he – it was not quick. He grabbed there  
7 and he squeezed it real hard.  
8 Q. Okay. Did you – did you knock him back or  
9 anything?  
10 A. Yeah. I went like that and I pushed him away,  
11 and he laughed. He thought it was funny.  
12 Q. Okay. So that's two incidents of touching.  
13 And then I think you testified that there's a third,  
14 where he ran your – his hand down your pants or  
15 something along those lines?  
16 A. Yeah. Well, not inside my pants. On the  
17 outer. He ran his hand down my ass crack.  
18 Q. Okay. Tell me about that incident.  
19 A. I told him – I told Tony about it.  
20 Q. Okay. But I want you to tell me about it.  
21 What do you recall?  
22 A. God. I told him to leave me alone after he  
23 did that. I told him to stay – leave me alone.  
24 Q. But what did he do first that caused you to  
25 say, Leave me alone?

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1 A. He didn't say nothing. He just came behind me  
2 and did that.  
3 Q. Okay. Now, I want to be sure I understand  
4 exactly what he did. His hand touched what, just your  
5 butt?  
6 A. No, it ran up my ass crack.  
7 Q. Okay. Did – did his hand ever go inside your  
8 pants?  
9 A. No, not inside; outside.  
10 Q. On the outside?  
11 A. And he pulled me up.  
12 Q. Okay.  
13 A. Rubbed – rubbed me up like that.  
14 Q. So he rubbed his hand along your ass crack?  
15 A. Yeah.  
16 Q. Okay. Kind of like a wedgy or –  
17 A. No. He got his little finger and he ran it  
18 through there.  
19 Q. Like – okay. I think I understand you.  
20 A. God.  
21 Q. All right. That's the only time that ever  
22 happened?  
23 A. When he did that to me, he didn't do that no  
24 more. It was just that, he did that.  
25 Q. Okay.

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1 MR. CAYCEDO: Are you at a stopping  
2 point or do you want to go on?  
3 MR. BARRON: Yeah, if you'd like to take  
4 a break. We've been going about an hour.  
5 THE VIDEOGRAPHER: We're going off the  
6 record, approximately 2:30 p.m.  
7 (Brief recess.)  
8 THE VIDEOGRAPHER: We're coming back on  
9 the record, approximately 2:41 p.m.  
10 Q. (By Mr. Barron) Mr. Salinas, before we went  
11 off the record we were talking about the incidents where  
12 Mr. Castillo had touched you. Do you recall that?  
13 A. Yes.  
14 Q. Okay. So I think we've covered three: There  
15 was the touching on the butt; there was the grabbing  
16 your testicles; and then rubbing his hand between your  
17 butt cheeks.  
18 A. Yes.  
19 Q. Okay. Those are the only three times that  
20 Mr. Castillo ever touched you?  
21 A. Yes, that's all I can remember at this time.  
22 Q. Okay. And your testimony is that you reported  
23 all three of those incidents to the store –  
24 A. Yes.  
25 Q. – management?

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1 A. Yes, I did.  
2 Q. And your testimony is that they didn't do  
3 anything about it?  
4 A. Yes, sir.  
5 Q. And why didn't you report those incidents to  
6 someone other than the store if you weren't getting the  
7 response that you wanted?  
8 A. I did.  
9 Q. Okay. Who?  
10 A. The union.  
11 Q. The union?  
12 A. I didn't know who else – what else to do.  
13 Q. Okay. And did you get the response that you  
14 wanted out of the union?  
15 A. He told me that he was going to – this is  
16 what he said: He was going to talk to Mr. Childs and he  
17 was going to take – he said, Don't worry about it.  
18 I'll talk to Mr. Childs about it.  
19 Q. All right. Do you know if he talked – and  
20 you're talking about Walter now, right?  
21 A. Yes.  
22 Q. Do you know –  
23 A. I don't know if he did or not. I talked to  
24 him on the sales floor, not like together. You know  
25 what I'm saying, like Childs and Walter. It wasn't like



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1 Q. Well, you actually drafted two of them, right?  
2 A. Yes.  
3 Q. The longer – there was a longer one and then  
4 the shorter one, right?  
5 A. Yes.  
6 Q. Why didn't you draft something up before the  
7 knife incident?  
8 A. I don't know how to write. I had no help.  
9 Q. Well, but you did have help because you –  
10 A. I didn't get –  
11 Q. Hold on.  
12 A. – It until later.  
13 Q. Hold on. Hold on. You had help from Debbie  
14 Williams in drafting Exhibit 4 and Exhibit 2, so you had  
15 someone who you could ask for help if – if you needed  
16 it, right? Right?  
17 A. They helped me afterwards, because I didn't –  
18 Debbie – I didn't discuss this until later. I was  
19 embarrassed and I was ashamed to talk even to my family  
20 members about this. It's embarrassing.  
21 Q. Okay. So are you saying that the reason you  
22 didn't go ask for help before –  
23 A. I'm embarrassed. I'm ashamed.  
24 Q. Okay. I understand.  
25 MR. CAYCEDO: Robert, take a second and

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1 started.  
2 Q. What time did – what time did Mr. –  
3 A. He came at 5:00.  
4 Q. Okay. Let me make sure. For the record, I  
5 was asking what time Mr. Castillo came to work that day.  
6 A. I came in at 4:00.  
7 Q. Okay. And Mr. Castillo – I'm sorry, yeah.  
8 Mr. Castillo came in at what time?  
9 A. He came in at 5:00.  
10 Q. All right. And what – what were your job  
11 duties on April 6th? What were you doing?  
12 A. Me?  
13 Q. Yeah.  
14 A. I came – I was straightening up the back room  
15 for the load – to unload the truck.  
16 Q. So you got a truck that day?  
17 A. We got a truck every day.  
18 Q. Okay. And so your responsibilities were to  
19 unload that truck and break it down?  
20 A. I break – I break not the whole truck down  
21 but the majority – most of it, like the – the stuff  
22 that goes in the inside.  
23 Q. Right.  
24 A. And then you got stuff that goes in the  
25 outside cooler. I was breaking the inside stuff.

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1 listen to his question.  
2 A. Oh, my God.  
3 Q. (By Mr. Barron) If that's the reason, that's  
4 the reason. I just – I want to know. My client has a  
5 right to know.  
6 A. It's hard to – to talk to them like that.  
7 Q. Okay. All right. So your testimony is that  
8 you were – before the knife incident you were  
9 embarrassed to go talk to your family and ask for help?  
10 A. I feel ashamed. I feel less of a man.  
11 Q. All right. All right. Let's talk about the  
12 incident in April. On April 6th Mr. Castillo put a  
13 knife to your throat, right?  
14 A. What – what page are you on?  
15 Q. I'm not. I'm not on here. I'm just asking  
16 you what happened. So tell me what happened on April  
17 6th, everything that you can remember. I want to start  
18 from the very beginning. What time did you come to work  
19 that day?  
20 A. 4:00 to 12:00.  
21 Q. Okay.  
22 A. I believe 4:00 to 12:00.  
23 Q. Okay. Did you – did you come to work at  
24 4:00?  
25 A. I think it was 4:00 to 12:00, I believe I

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1 That's what I do, break – the majority of that.  
2 Q. And what was Mr. Castillo's job  
3 responsibilities that day? Was he on the cutting fruit?  
4 A. He was going to cut fruit.  
5 Q. Okay. About what time did the knife incident  
6 occur on April 6th?  
7 A. I'd say around 10:30 in the morning.  
8 Q. What were you doing at 10:30 in the morning?  
9 A. I was cutting fruit. I was cutting fruit –  
10 not cutting fruit. I mean, I was cutting the – the  
11 green like stuff, the green loaf and everything. And I  
12 had my buggy loaded up and I'm fixing to go out – out  
13 the door.  
14 Q. Okay. So let me slow – slow you down.  
15 Exactly where were you in the produce back room?  
16 A. When he grabbed me, you mean?  
17 Q. Yeah, or right before. Where were you in the  
18 produce back room?  
19 A. I was in the – by the sink. I was by the  
20 sink. And he would walk – when he came in, when he  
21 walked by, he was making fun of my hair.  
22 Q. All right. What did he say about your hair?  
23 A. That I need to do something with my hair, like  
24 put gel or something. He goes, It looks bad.  
25 Q. Was there something different about your hair



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Page 206	<p>1 that day?</p> <p>2 A. I don't know, maybe it'd stand up. I don't</p> <p>3 know.</p> <p>4 Q. I'm just saying, were you wearing a hat or</p> <p>5 something? I mean, was there any reason -</p> <p>6 A. Sometimes I do wear a hat, sometimes I don't.</p> <p>7 Q. Okay.</p> <p>8 A. But I try to keep it short.</p> <p>9 Q. Okay. Like, for example, if I take off my hat</p> <p>10 after I've been wearing it for a while, my hair might</p> <p>11 look a little messy. So my question is - and - and</p> <p>12 I'm not saying that did or didn't happen. I'm just</p> <p>13 asking you, was there anything in particular -</p> <p>14 A. He -</p> <p>15 Q. - about that - your hair that day that he</p> <p>16 was commenting on?</p> <p>17 A. I don't know. He said he didn't like it. He</p> <p>18 said I need some - to do something with it. I don't</p> <p>19 know.</p> <p>20 Q. Did your hair look the same that day as it</p> <p>21 looks every other day?</p> <p>22 A. Pretty much.</p> <p>23 Q. Had he said anything about your hair earlier</p> <p>24 that shift, or was that the first time?</p> <p>25 A. That's the first time he ever said something</p>	Page 208	<p>1 then Andres was there. He was working at the cut fruit</p> <p>2 section. And he was later working right there, right</p> <p>3 next to him.</p> <p>4 Q. Next to who, Castillo?</p> <p>5 A. Yeah. Andres was over here. Andres here and</p> <p>6 David right here.</p> <p>7 Q. Okay. And - and since the - the transcript</p> <p>8 won't show where your fingers were placed, you have them</p> <p>9 about -</p> <p>10 A. That -</p> <p>11 Q. - an inch apart.</p> <p>12 A. That -</p> <p>13 Q. In real - in real foot -</p> <p>14 A. I think -</p> <p>15 Q. - distance, how - how far is that?</p> <p>16 A. I don't know. But David was working right -</p> <p>17 okay. I was working first over here by the door, I</p> <p>18 mean, by the sink, by the door.</p> <p>19 Q. Yeah.</p> <p>20 A. And farther, like you could put almost two</p> <p>21 pallets there, and then he was working at that first</p> <p>22 sink. David was working the first sink. And next to</p> <p>23 David was Andres.</p> <p>24 Q. Okay. So Mr. Castillo was about two pallets</p> <p>25 away from you? Is that what you're saying, two pallets?</p>
Page 207	<p>1 like that about my hair.</p> <p>2 Q. Had anybody else at Kroger said anything about</p> <p>3 your hair that day?</p> <p>4 A. People say I'm losing my hair.</p> <p>5 Q. Okay.</p> <p>6 A. Yeah, like right here in front.</p> <p>7 Q. All right.</p> <p>8 A. That's about it.</p> <p>9 Q. Is that - is that the only thing - only</p> <p>10 thing that you heard about your hair at Kroger?</p> <p>11 A. Pretty much.</p> <p>12 Q. Okay. On that same day, did anybody else</p> <p>13 tease you about your hair other than -</p> <p>14 A. Oh, no.</p> <p>15 Q. - Mr. Castillo?</p> <p>16 A. No, just him.</p> <p>17 Q. All right. So - so he made a comment about</p> <p>18 your hair. What happened next?</p> <p>19 A. And I said - I said, Don't worry about my</p> <p>20 hair, just don't worry about me. I said, Just don't</p> <p>21 worry about me. Leave - leave me alone. Worry about</p> <p>22 your hair. Don't worry about my hair. My hair is fine.</p> <p>23 Q. All right. What happened next?</p> <p>24 A. It's like he was - he was pacing, like he was</p> <p>25 mad. He was mad in the back room, like he was mad. And</p>	Page 209	<p>1 distance?</p> <p>2 A. The amount of space?</p> <p>3 Q. Yeah.</p> <p>4 A. Between there and there? Maybe three maybe, I</p> <p>5 don't know, a little bit more. Three and a half.</p> <p>6 Q. All right.</p> <p>7 A. But the distance, maybe, I'm not sure of the</p> <p>8 distance.</p> <p>9 Q. And Andres, who is another Kroger produce</p> <p>10 department employee, was - was working right next to</p> <p>11 Mr. Castillo?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Okay. Then - so what happened?</p> <p>14 A. He - when I was walking by him -</p> <p>15 Q. Yeah.</p> <p>16 A. - he came behind me. He - he came behind</p> <p>17 me.</p> <p>18 Q. Okay. So you walked -</p> <p>19 A. He put -</p> <p>20 Q. Hold on. You walked towards Mr. -</p> <p>21 A. Yeah -</p> <p>22 Q. - Castillo?</p> <p>23 A. - I was going - yeah, I was going - going</p> <p>24 outside.</p> <p>25 Q. Okay.</p>



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1 A. I was going outside.  
2 Q. So you had to pass by him?  
3 A. Yes.  
4 Q. All right.  
5 A. And he grabbed me and he started choking me,  
6 and he choke - was choking me, and he had the knife on  
7 me -  
8 Q. Okay.  
9 A. - like this.  
10 Q. So he grabbed you -  
11 A. He had me like this, and he had a knife  
12 against my throat and put pressure against it.  
13 Q. Okay. Just for the record, you had your arms  
14 sort of wrapped around your shoulder and you - you're  
15 saying that he put - put the knife to your throat?  
16 A. No, I had my hands right here where my arms  
17 are down.  
18 Q. Okay.  
19 A. He had his arm around my neck and he was  
20 choking me. And he got a knife and he had the knife  
21 pinned against my throat like this.  
22 Q. Okay.  
23 A. And I got this hand, pushed it away, and I  
24 went underneath it and I took off.  
25 Q. Okay.

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1 A. I could but it was hurting. It was hurting.  
2 He was hurting me.  
3 Q. Okay. The knife that he put to your throat,  
4 how close did the knife get to your throat?  
5 A. It was - it was on my neck.  
6 Q. It was touching your neck?  
7 A. Yes. I felt the blade on my neck.  
8 Q. And this is the - about a four- to six-inch  
9 produce knife, is that what - like a trim knife?  
10 A. Yes.  
11 Q. You use it to trim the - the green  
12 vegetables?  
13 A. I trim them, yeah. I trim them and put them  
14 on my rack.  
15 Q. It's a different knife, for example, than that  
16 you would use for cutting fruit?  
17 A. He used it to cut fruit, too.  
18 Q. He did?  
19 A. Uh-huh, same knife. But he had - we got  
20 other knives to cut fruit, but he was using that - he  
21 had that knife on him.  
22 Q. All right. So after this happened, he put the  
23 knife to your throat, you pushed him away, what did you  
24 do next?  
25 A. I ran out the doors, those - those - those

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1 A. And I couldn't talk after that.  
2 Q. Was - how long did that event happen? Was it  
3 pretty quick or -  
4 A. It wasn't -  
5 Q. - or did you struggle?  
6 A. - that quick, no.  
7 Q. Well, did you struggle with him for a little  
8 while or -  
9 A. I couldn't move because the knife was against  
10 my - the blade was against my throat. I couldn't  
11 struggle or move around. He had me real tight.  
12 Q. Okay. Now, when you say he - so he - he had  
13 you with one arm around your - your neck; is that  
14 right?  
15 A. Yes.  
16 Q. And then he had - in his hand he had a knife  
17 that he put to your throat?  
18 A. Yes.  
19 Q. The arm that he had around your neck, did he  
20 have his arm around your neck or his hand to your neck?  
21 In other words -  
22 A. No, his arm.  
23 Q. Okay. Kind of like a choke hold?  
24 A. Yes.  
25 Q. Okay. Could you breathe?

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1 doors.  
2 Q. To the sales floor?  
3 A. Yeah, I went out to the floor and took off.  
4 Q. And then what did you do?  
5 A. I couldn't talk. I was in a state of shock.  
6 Q. So what did you do?  
7 A. I tried to get some air, and then I got - I  
8 talked to Andres about it.  
9 Q. Well, Andres is in the back room, right?  
10 A. Yes. I came back later, not right there -  
11 right there and then.  
12 Q. But I - I want a - I want a very - I want  
13 you to do your best to tell me step by step what you  
14 did. So you - you went - you went out the door onto  
15 the sales floor. So now you're out in front of  
16 customers, right?  
17 A. Yes.  
18 Q. You weren't crying or anything, were you?  
19 A. No. I was in a state of shock. I couldn't  
20 speak at that moment.  
21 Q. So you didn't - you didn't cry or have any  
22 visible display of emotion at that point, right?  
23 A. I couldn't speak. I was in a state of shock.  
24 MR. BARRON: I'm going to object to that  
25 as being nonresponsive.



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1 Q. Anybody. Anybody.  
2 A. Until the next day.  
3 Q. The whole world?  
4 A. No.  
5 Q. That same day, on that day, April 6th, did you  
6 talk with – about the knife incident with anybody in  
7 the world –  
8 A. Yes.  
9 Q. – other than Andres?  
10 A. Yes.  
11 Q. Okay. Who?  
12 A. Crystal.  
13 Q. Okay. When did you talk to her?  
14 A. I went home, and I went to her house.  
15 Q. All right. That same night –  
16 A. Yes.  
17 Q. – or afternoon, I should say?  
18 A. Uh-huh.  
19 Q. About what time?  
20 A. Probably around 3:00 something. I'm not  
21 sure –  
22 Q. All right.  
23 A. – exact time.  
24 Q. Tell me what you discussed with her.  
25 A. What – the things he was doing to me, that I

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1 MR. BARRON: I'm going to –  
2 A. – so what makes you think he's going to help  
3 me in this situation?  
4 MR. BARRON: I'm going to object to that  
5 as being nonresponsive.  
6 Q. (By Mr. Barron) I understand that's how you  
7 feel, and I'm not – I'm not arguing with you. But my  
8 question is: What did you tell Crystal?  
9 A. What happened to me.  
10 Q. Okay. And tell – tell me again what you told  
11 – I want to know everything you told Crystal that day.  
12 A. That he had me in a choke hold and he was  
13 going to slice my throat. And he called me a little  
14 fuck.  
15 Q. Okay. Are you say – so when – when he put  
16 you in the choke hold and put a knife –  
17 A. He told me –  
18 Q. – to your throat –  
19 A. – in my – in my ear. He said, I'm going to  
20 kill you, you little fuck.  
21 Q. Okay. Did he say anything else to you?  
22 A. That I recall, no.  
23 Q. Did he do anything else to you that day?  
24 A. After that day, after that happened?  
25 Q. No, that day. I'm talking – we're just on

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1 needed to go to the police because Kroger management  
2 were not doing nothing for me. And I said – and she  
3 goes, Why don't you go to managers? I said, Why?  
4 They're not going to believe me. They never believe  
5 anything I tell them. So why do I go tell them  
6 something and then they're not going to believe me.  
7 They're just going to laugh in my face like they did  
8 with other things. I said, I'm not going to go to them  
9 because they're not helping me in any way, in any form,  
10 in this situation. That's why I went to the police.  
11 Why I'm going to go to Mr. Childs so he can laugh in my  
12 face and tell me, That's not true. That's your say  
13 against his say. It's useless talking to him. He was  
14 not going to do anything for me.  
15 Q. Okay.  
16 A. I knew he wasn't.  
17 Q. Now, are – are you saying that those are the  
18 things you said –  
19 A. How I felt –  
20 Q. – to Crystal?  
21 A. – inside my heart –  
22 Q. Yeah.  
23 A. – because he's not going to do anything for  
24 me. He hasn't done anything for me since day one in the  
25 situation I've been dealing with David Castillo –

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1 April 6th now.  
2 A. Huh?  
3 Q. That same day, April 6th.  
4 A. That same day?  
5 Q. Yeah, I want to know –  
6 A. After that –  
7 Q. – if he did –  
8 A. – after he did that to me, he didn't – he  
9 didn't mess with me the rest of the day.  
10 Q. Okay.  
11 A. He never said he was sorry. He never said  
12 nothing to me.  
13 Q. So you didn't have any other words with him  
14 that day?  
15 A. No, we never talked the rest of the day.  
16 Q. Okay. Now, you said you talked to Crystal on  
17 April 6th. Did you talk to anybody else on April 6th  
18 about the knife incident?  
19 A. No, I just talked to Crystal.  
20 Q. No one else in your family?  
21 A. I think my son Robert Scott, if I remember.  
22 Q. What did you tell Robert Scott?  
23 A. What happened to me.  
24 Q. What did he say?  
25 A. That's horrible.



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1 A. No.  
2 Q. Were you involved at all with the sentencing  
3 of Mr. Castillo? In other words, did you have to go to  
4 court or anything like that?  
5 A. I was going. And then that other man was  
6 there, like that prosecutor guy, I don't know his name,  
7 but he told me that I don't have to be there. But I  
8 thought I did, so I went a few times. And David caught  
9 me on the - what do you call it? Like when you walk  
10 in, before you go to those courts, you know when you  
11 walk in those doors, he caught me. He said that - that  
12 I needed to drop the charges.  
13 Q. He said that to you at the courthouse -  
14 A. Yeah.  
15 Q. - In the building?  
16 A. Uh-huh.  
17 Q. What did you say?  
18 A. He - he says - and I looked at him and I  
19 said, No, I'm not.  
20 Q. Did you say anything else?  
21 A. And he just walked off and I walked away.  
22 That's it.  
23 Q. So you weren't afraid to talk to him, were  
24 you?  
25 A. Well, he approached me. I didn't approach

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1 A. I'm going through therapy.  
2 Q. Who is your therapist?  
3 A. It's a lady. I don't know her name.  
4 Q. You don't know the name of your therapist?  
5 A. Huh-uh. And - and then I got - I got to see  
6 a psychiatrist. He's an older man.  
7 Q. Do you know his name?  
8 A. Huh-uh. He's a black man. I don't know his  
9 name.  
10 Q. How many times have you seen a medical  
11 professional? I'm not - I'm not going to call them  
12 psychiatrist or whatever because I'm not sure exactly  
13 what their titles are. But how many times have you seen  
14 a medical professional because of the events related to  
15 this lawsuit? In other words, Mr. Castillo?  
16 A. You mean, like before this, or what are you  
17 talking about?  
18 Q. After.  
19 A. Oh, I don't know how many times. I've got  
20 to - I've got to go regularly because I've got to get  
21 my medication.  
22 Q. Okay. I'm going to get to medication in a  
23 minute. So I want to know how many times you've seen a  
24 medical professional for something that you think is  
25 related to this lawsuit.

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1 him.  
2 Q. Yeah, but when he - when he approached you,  
3 you didn't -  
4 A. There -  
5 Q. - run away.  
6 A. There was cops there. Where he did it, there  
7 was - there was cops in that section when he did it.  
8 Q. Yeah. I mean, it seems a pretty brave thing  
9 to do when this guy that threatened to kill you comes up  
10 to you and starts talking to you, and you - you tell  
11 him, No, I'm not; that's a pretty brave thing to do,  
12 right?  
13 A. Yeah, but there's police there. There's  
14 police right there. They're - they're all over the  
15 place up there, right there. They got -  
16 Q. Well -  
17 A. They got security everywhere, and they're  
18 right there in that room. He wanted me to drop the  
19 charges. Why should I? I mean, if that happened to  
20 you, would you drop the charges?  
21 Q. Let's talk about your medical treatment. Have  
22 you had any medical treatment because of your experience  
23 with Mr. Castillo at Kroger?  
24 A. Yes.  
25 Q. Okay. What medical treatment have you had?

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1 A. He talks to me every time. He asks me how I'm  
2 doing, the psychiatrist.  
3 Q. Okay.  
4 A. Every time I have to get my medicine refilled,  
5 I have to talk to him.  
6 Q. How - how regularly - well, let's just go  
7 backwards. Sometimes it's easier to go backwards. When  
8 was the last time you went to the psychiatrist?  
9 A. I go, like, every two or three months, every  
10 two or three months.  
11 Q. Regularly?  
12 A. Yes.  
13 Q. And you're doing that today?  
14 A. Yes. It's almost time to go again because I'm  
15 almost out of my pills.  
16 Q. How long - how long has that - how long have  
17 you been seeing a psychiatrist every couple of months?  
18 A. For a long time. I don't know how long. I  
19 don't know exact - exact time.  
20 Q. Okay. Can you ballpark? What's your best  
21 estimate for me? More than a year or less than a year?  
22 A. I'm not a hundred percent sure. I don't know  
23 exact time. I don't.  
24 Q. Was it before or after the knife incident  
25 involving Mr. Castillo?



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1 A. .22, pellet gun, BB gun.  
2 Q. When you were younger?  
3 A. Uh-huh, when I was a kid.  
4 Q. How about as an adult, have you ever shot a  
5 gun as an adult?  
6 A. I don't - like right now, you mean?  
7 Q. You know, over the age of, say, 20, have you  
8 ever shot a gun?  
9 A. Uh-huh. I shot - let me see. What have I  
10 shot? Oh, I shot a .30-30. It was - it was my - my  
11 dad's rifle, my mom and dad's rifle. They gave it to my  
12 brother. I shot a .30-30.  
13 Q. Did - did anything else happen when the -  
14 when the husband came with the - to talk to you, did  
15 anything else happen?  
16 A. That was it. I never saw him again, never  
17 talked again. That was it. It was over.  
18 Q. Did you continue to be friends with Sonya?  
19 A. Yeah, but I didn't - I didn't - I told her,  
20 I said - yeah, we didn't -  
21 Q. You stopped - you stopped going out with her?  
22 A. I stopped talking to her.  
23 Q. Okay. All right. Any other incidents that  
24 you can recall where someone has threatened you or  
25 you've been the victim of some sort of violence in your

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1 life?  
2 A. No. That I can remember, no.  
3 Q. Would you agree with me that you haven't lost  
4 any income or wages as a result of - as a result of  
5 your allegations in this lawsuit?  
6 A. Yeah, I've been working. I haven't lost any  
7 wages. I've been working all the way straight.  
8 Q. Right. You haven't missed any - you haven't  
9 missed any work because you were upset or depressed  
10 about - about Mr. Castillo's actions, right?  
11 A. We asked for a medical leave, a medical, but  
12 Kroger said, no, they're not giving that.  
13 Q. I need to - I need to know about that. Tell  
14 me when you asked for a medical leave.  
15 A. I mean, like, time off. It was, like, time  
16 off when we first went to mediation.  
17 Q. This is at - at mediation?  
18 A. Uh-huh. Kroger said, no, they're - if I took  
19 time off, they're not going to pay me.  
20 Q. All right. This is something that you asked  
21 Kroger to do in the mediation; is that - is that right?  
22 A. Yeah, me and my lawyer, my lawyer did.  
23 Q. Okay.  
24 A. We did it together.  
25 Q. All right. Normally I wouldn't want to know

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1 anything that happened in mediation. Other than what  
2 you said in the mediation, have you ever asked Kroger  
3 outside the mediation for time off that you were not  
4 given?  
5 A. After that? You mean after that?  
6 Q. Yeah. Either after or before.  
7 A. After that, I needed a vacation time.  
8 Q. Okay.  
9 A. Later on they gave me a vacation.  
10 Q. You got your vacation?  
11 A. Uh-huh.  
12 Q. Okay. Have you ever gone to Kroger outside of  
13 the mediation - I'm not asking about the mediation -  
14 and said, I need some time off for medical leave, and -  
15 and you were not given it?  
16 A. Afterwards?  
17 Q. Yeah.  
18 A. After all that?  
19 Q. Yes.  
20 A. No.  
21 Q. Okay. Sitting here today, can you recall any  
22 specific days where you were not able to work because  
23 you were depressed or because you were upset about what  
24 had happened with Mr. Castillo?  
25 A. I was - I still worked, but I was hurting

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1 Inside and I would cry on the sales floor.  
2 Q. Okay.  
3 A. I was hurting real bad. I would cry on the  
4 sales floor real bad.  
5 Q. Who saw you cry at the sales floor?  
6 A. Marvin.  
7 Q. Marvin?  
8 A. In front of customers, yes.  
9 Q. Who is Marvin?  
10 A. Produce manager.  
11 Q. He's the one that replaced Mr. Medina?  
12 A. Yes.  
13 Q. Anybody else see you cry?  
14 A. Yeah, Mr. Childs seen me cry.  
15 Q. Mr. Who?  
16 A. Childs saw me cry.  
17 Q. Who is Mr. Charles?  
18 A. And, like, Mr. Childs - Mr. Childs said that,  
19 like, when I feel bad or I'm upset or something, I feel  
20 - he could - I could come upstairs and - and then I  
21 could rest, I could - so I can straighten up, you know,  
22 because I was hurting inside.  
23 Q. How many times have you had to go - go  
24 upstairs and compose yourself because you were crying at  
25 Kroger?



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ROBERT SALINAS**

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1 A. I don't remember.  
2 Q. Just a couple of times, or more than that?  
3 A. I don't know. I didn't do it all the time  
4 upstairs. I might have did it on the floor.  
5 Q. Is there anybody who would have seen you,  
6 other than Mr. Marvin and Mr. Childs?  
7 A. Crying?  
8 Q. Crying, yeah.  
9 A. Jason.  
10 Q. Jason? Okay. Anybody else?  
11 A. Ms. Mendoza, Mr. Childs.  
12 Q. Sitting here today, we've covered wages -  
13 lost work, lost wages; we've covered your being  
14 depressed. Is there any other damages or harm that you  
15 know of that you're seeking to recover for in this  
16 lawsuit that you haven't talked to me about?  
17 MR. CAYCEDO: Object to the extent it  
18 calls for a legal conclusion.  
19 Go ahead.  
20 Q. (By Mr. Barron) All right. This is my only  
21 time to talk to you, so I just want to - If there is -  
22 If there is something else that you're claiming, I'd  
23 like to know about it now.  
24 A. Pain and anguish. Pain in my head.  
25 Q. Okay.

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1 Q. Yeah.  
2 A. What do you mean?  
3 Q. I mean, you said you can't sleep, for example,  
4 you have trouble sleeping.  
5 A. I do things differently.  
6 Q. Okay. Like what?  
7 A. Like when I go to the restroom at - when I'm  
8 at Kroger, I like - I go to the family one because I'm  
9 - because what happened to me. And I don't like other  
10 - to be around other men in the restroom. I want to be  
11 in my own deal. I don't trust anybody.  
12 Q. All right. Anything else?  
13 A. It changed my life.  
14 Q. Okay. How has it changed your life?  
15 A. I scare easy. I stay home a lot more. I  
16 don't - I don't go anywhere. I just go to work and go  
17 home because I don't want nothing bad to happen to me or  
18 my family. I stay safe at home. I don't want to be  
19 anywhere where I know he's still in town. My mom's  
20 telling me that we should move away to a different town  
21 so we won't be in the same town that he lives in.  
22 Q. Okay. All right. Anything else?  
23 A. I don't know anything else.  
24 Q. I want to go over some of the - real quick, I  
25 want to go back to the complaints. I - we've talked

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1 A. I cry and hurt inside.  
2 Q. Okay. Anything else?  
3 A. I get sick, and my stomach hurts, and I can't  
4 sleep at night.  
5 Q. Okay. Do you take any medication to help you  
6 sleep?  
7 A. I don't have none.  
8 Q. Okay. Do you take any medication for your  
9 stomach?  
10 A. He have gave me some.  
11 Q. Who?  
12 A. The doctor.  
13 Q. The doctor?  
14 A. I don't know what kind of medicine, because my  
15 stomach was hurting a lot.  
16 Q. So if we looked at your - your - your  
17 prescription records, we'd see that you got some sort of  
18 drugs for your stomach?  
19 A. I think it was - I kept throwing up. I kept  
20 throwing up. In the morning I would throw up a lot. I  
21 don't know what kind of medicine I was given.  
22 Q. Okay. Is there anything else in your life  
23 that - that you - you think you can't do now that you  
24 could do before this incident involving Mr. Castillo?  
25 A. That I can't do in my life?

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1 about your complaints to Tony Medina. We've talked  
2 about your complaints to Mr. Childs. I want to talk  
3 about your complaints to other co-managers in the store.  
4 You - you testified that you made some complaints to  
5 Ms. Mendoza?  
6 A. Yes.  
7 Q. What exactly did you tell Ms. Mendoza?  
8 A. The things that he was doing to me.  
9 Q. No, I want to - I - that's - I want to know  
10 exactly what you told Ms. Mendoza.  
11 A. That he grabbed me.  
12 Q. Okay. How many times did you talk to  
13 Ms. Mendoza?  
14 A. A few times, quite a few times. I don't know  
15 exactly how many times.  
16 Q. More than one?  
17 A. Of course.  
18 Q. Okay. More than five?  
19 A. Possibly more than five, yes.  
20 Q. Okay. What exactly did you tell her was going  
21 on with Mr. Castillo?  
22 A. The things he was doing to me.  
23 Q. All right. Sir, I want to - I - I want to  
24 know, to the best you can recall, what you told her  
25 about. Did you tell her about every single -



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ROBERT SALINAS**

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1 A. I told her –  
2 Q. – Incident involving –  
3 A. – that he was touching me.  
4 Q. – Mr. Castillo?  
5 A. Yeah, that he touched me.  
6 Q. Okay. I want to know what exactly you told  
7 her about Mr. Castillo touching you.  
8 A. How he ran his hand on me and grabbed me down  
9 in the bottom. When I told her, she started laughing.  
10 Q. Okay. So my – my understanding of your  
11 testimony today was that there was three situations  
12 where he touched you.  
13 A. Yeah, he grabbed me down there.  
14 Q. Hold on. Did you tell Ms. Mendoza about all  
15 three incidents?  
16 A. Yes.  
17 Q. Did you go to her three times, or did you just  
18 go to her the one time and tell her about all three  
19 incidents?  
20 A. No, it was three different times. It was  
21 different times.  
22 Q. So on the three occasions that Mr. Castillo  
23 touched you, your testimony is you went to Ms. Mendoza  
24 about all three of those incidents?  
25 A. And I went to Tony. I talked to Mr. Childs,

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1 In writing that you saw, right? Do you recall them over  
2 – ever putting anything in writing?  
3 A. When I would talk to them?  
4 Q. Yes.  
5 A. No.  
6 Q. Did they ever ask you for a statement?  
7 A. Yes, that's where I – I gave them one. I  
8 gave them the envelope and they got mad at me.  
9 Q. All right.  
10 A. They said it was not done right.  
11 Q. All right. And I believe you testified that  
12 after they said that your envelope wasn't done right,  
13 that's when you prepared the statement that was in  
14 Exhibit 2?  
15 A. Yes. And then they told me to – they told me  
16 that I need to bring the other one back, and the  
17 envelope. They wanted that one back.  
18 Q. Did you bring it back?  
19 A. I don't know what I did with it. I throw it  
20 away in the trash.  
21 Q. Okay. So is your testimony that the only time  
22 that you made a complaint to Kroger management was the  
23 time where you were asked to prepare Exhibit 2?  
24 MR. CAYCEDO: Objection, misstates the  
25 evidence.

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1 too.  
2 Q. Okay. So your testimony is you went to  
3 Mr. Childs, you went to Mr. –  
4 A. Tony.  
5 Q. – Tony Medina and Ms. Mendoza –  
6 A. And Ms. Gordana.  
7 Q. – and Ms. Gordana –  
8 A. Yep.  
9 Q. – on all of the incidents involving  
10 Mr. Castillo?  
11 A. Yes.  
12 Q. And none of them did anything?  
13 A. That's right.  
14 Q. That's your testimony?  
15 A. That's right.  
16 Q. And none of them put anything in writing.  
17 That's your testimony?  
18 A. I don't know if they put anything in writing,  
19 but I –  
20 Q. Not –  
21 A. I don't know about that, but I know they  
22 didn't do nothing for me.  
23 Q. Nothing that you saw in writing, right?  
24 A. They didn't do nothing for me, for my safety.  
25 Q. Answer my question. They didn't put anything

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1 A. I made more complaints, but I just haven't –  
2 haven't written it down.  
3 Q. (By Mr. Barron) Okay.  
4 A. It's not my fault I don't know how to spell  
5 and write. I'm sorry.  
6 Q. I'm not – I'm not accusing you of anything.  
7 A. How can I – what do you want me to do?  
8 Q. So your testimony is that you went to – how  
9 many times would you say you went to Kroger management  
10 and complained about –  
11 A. Several times.  
12 Q. – Mr. Castillo?  
13 A. Tony even told me that – to stop going up  
14 there.  
15 Q. Well, hold on. You're – you're saying that  
16 at least on three occasions you went to Tony Medina,  
17 Ms. Gordana, Ms. Mendoza –  
18 A. More than – more than three times to Tony.  
19 Q. Hold on, hold on.  
20 – and Mr. Childs. That's four  
21 different people. Okay?  
22 A. Uh-huh.  
23 Q. You're saying that you went to four different  
24 people at least three times?  
25 A. No, more than three times.



**ORAL AND VIDEOTAPED DEPOSITION OF  
ROBERT SALINAS**

Page 318	<p>1 Q. More than three times you went?</p> <p>2 A. More.</p> <p>3 Q. So you – so that's – that's already 12. So</p> <p>4 you're saying, what, 20 times?</p> <p>5 A. I can't say how many times. I don't know. I</p> <p>6 can't be – I don't know how many times I went.</p> <p>7 Q. Okay.</p> <p>8 A. Tony even told me to stop going upstairs.</p> <p>9 Q. All right. So you're saying you – you</p> <p>10 went –</p> <p>11 A. I can't say. I don't know.</p> <p>12 Q. Okay. But I'm trying to get a – a good</p> <p>13 estimate of how many times you think you went to Kroger</p> <p>14 management.</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. More than 20?</p> <p>17 A. I can't remember. It's been so long.</p> <p>18 MR. CAYCEDO: Can we take a quick break</p> <p>19 or do you want to –</p> <p>20 MR. BARRON: Sure, yeah, let's take a</p> <p>21 quick break.</p> <p>22 THE VIDEOGRAPHER: Going off the record,</p> <p>23 approximately 4:31 p.m.</p> <p>24 (Brief recess.)</p> <p>25 THE VIDEOGRAPHER: We're coming back on</p>	Page 320	<p>1 management was aware of what he had been doing. I</p> <p>2 believe he was embarrassed and this prompted him to seek</p> <p>3 revenge. I would catch him glaring at me. I thought he</p> <p>4 would be fired or transferred but nothing happened. His</p> <p>5 anger grew intense, and I feared he would eventually</p> <p>6 rape or cause me another type of bodily harm. And then</p> <p>7 you talk about the events of April 6th.</p> <p>8 Do you think that the events of April</p> <p>9 6th, him putting a knife to your throat, was Castillo</p> <p>10 getting back at you or getting revenge against you for</p> <p>11 something?</p> <p>12 A. Maybe he was mad because he – he was mad</p> <p>13 because those – when I report him about those incidents</p> <p>14 he was doing to me, and maybe that's the way he was</p> <p>15 going to get back to me and hurt me.</p> <p>16 Q. So you felt like the – the events on April</p> <p>17 6th was more of a violent act against you, not a sexual</p> <p>18 act, right?</p> <p>19 MR. CAYCEDO: Object as speculation.</p> <p>20 A. A violent?</p> <p>21 Q. (By Mr. Barron) Right. Putting a knife to</p> <p>22 your throat is a violent act.</p> <p>23 A. Yes.</p> <p>24 Q. Would you agree with me about that?</p> <p>25 A. Yes.</p>
Page 319	<p>1 the record, approximately 4:43 p.m.</p> <p>2 Q. (By Mr. Barron) Mr. Salinas, you understand</p> <p>3 we're back on the record?</p> <p>4 A. Yes.</p> <p>5 Q. Would you say that the circumstances involving</p> <p>6 Mr. Castillo were more upsetting to you or less</p> <p>7 upsetting to you than having a gun put to your head in</p> <p>8 that earlier robbery?</p> <p>9 A. They were both upsetting.</p> <p>10 Q. Okay.</p> <p>11 A. They were both upsetting.</p> <p>12 Q. So you can't say which one was more worse or</p> <p>13 better?</p> <p>14 A. The gun.</p> <p>15 Q. Okay. I want to direct your attention back to</p> <p>16 Exhibit 2. There's a few things in there I want to ask</p> <p>17 you about. This document right here (indicating). And</p> <p>18 you may or may not even need to look at it, but there's</p> <p>19 some things you said in here that I want to follow up</p> <p>20 on.</p> <p>21 A. What page are you on?</p> <p>22 Q. Salinas 39. If you look at the bottom there's</p> <p>23 – there's the numbers.</p> <p>24 And at the bottom of 39 you talk about,</p> <p>25 In January of 2012 David Castillo was very upset that</p>	Page 321	<p>1 Q. Okay. And –</p> <p>2 A. It was both.</p> <p>3 Q. Okay. Hold on. In – in your notes here, in</p> <p>4 your statement, you said that he was trying to get</p> <p>5 revenge against you because you had reported him</p> <p>6 earlier, right?</p> <p>7 A. Yeah, for those things he was doing to me.</p> <p>8 Q. Right. And – and you feel like on April 6th</p> <p>9 what he did was because – born out of anger against</p> <p>10 you, right?</p> <p>11 MR. CAYCEDO: Object to the extent it</p> <p>12 calls for speculation.</p> <p>13 Q. Is that – was that your impression?</p> <p>14 A. He wanted – he wanted these things from me he</p> <p>15 couldn't get from me, that he wanted from me. And –</p> <p>16 and that's why he – he'd do – he'd do that to me.</p> <p>17 Q. Okay.</p> <p>18 A. I can't give him that. I'm a man: I can't do</p> <p>19 that with him.</p> <p>20 Q. Well, let me ask you this: Do you think he</p> <p>21 was joking around with you on April 6th, or do you think</p> <p>22 he was angry with you on April 6th?</p> <p>23 A. Angry.</p> <p>24 Q. Why do you say he was angry versus joking</p> <p>25 around?</p>



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<p>1 A. It wasn't his fault.</p> <p>2 Q. Okay. Now, did -- you -- you said in here</p> <p>3 that they forgot to do a background check.</p> <p>4 A. Yeah.</p> <p>5 Q. Do you know whether there was a background</p> <p>6 check done or not?</p> <p>7 A. On him?</p> <p>8 Q. Yeah, on Mr. Castillo.</p> <p>9 A. When they hired him?</p> <p>10 Q. Yes.</p> <p>11 A. A hundred percent, no, I don't know that.</p> <p>12 Q. Okay.</p> <p>13 A. But I -- I don't know that for a fact.</p> <p>14 Q. Okay. And just so I'm clear, what exactly did</p> <p>15 Mr. Childs say to you, again?</p> <p>16 A. He said that he didn't -- when he hired him he</p> <p>17 wasn't -- he didn't know if they did a background check</p> <p>18 on him.</p> <p>19 Q. Okay. They did -- he didn't know if they did</p> <p>20 a background check?</p> <p>21 A. He didn't know.</p> <p>22 Q. Okay. So -- so he didn't say, We forgot to do</p> <p>23 a background check?</p> <p>24 A. No, he didn't say that.</p> <p>25 Q. He didn't say that?</p>	<p>1 A. He called me "princess" and "mija."</p> <p>2 Q. Any other names that you recall David calling</p> <p>3 you while y'all worked at Kroger?</p> <p>4 A. He called me a homosexual.</p> <p>5 Q. Can you answer a few more questions?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall any other names that David</p> <p>8 Castillo called you while y'all were both working at</p> <p>9 Kroger?</p> <p>10 A. I can't hear you.</p> <p>11 Q. Do you need to take a break?</p> <p>12 A. Just tell me.</p> <p>13 Q. Do you recall what other names David called</p> <p>14 you while y'all were both working at Kroger? Any other</p> <p>15 names you can remember?</p> <p>16 A. He said I was a little girl.</p> <p>17 Q. Anything else you can remember, as you sit</p> <p>18 here today, that David called you while y'all worked at</p> <p>19 Kroger?</p> <p>20 A. I can't remember.</p> <p>21 Q. Okay. How did it make you feel when David</p> <p>22 called you those names?</p> <p>23 A. Less of a man.</p> <p>24 Q. How else did it make you feel when David</p> <p>25 called you those names?</p>
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<p>1 A. He didn't know if they did. I don't know if</p> <p>2 he was sure.</p> <p>3 Q. Thank you.</p> <p>4 A. I'm sorry.</p> <p>5 Q. No, that's all right. I just -- I wanted to</p> <p>6 clarify that.</p> <p>7 All right. Mr. Salinas, thank you for</p> <p>8 your time today. That's all the questions I have for</p> <p>9 you.</p> <p>10 <b>EXAMINATION</b></p> <p>11 <b>BY MR. CAYCEDO:</b></p> <p>12 Q. Robert, I just want to follow up with just a</p> <p>13 few brief questions. I know you're ready to get out of</p> <p>14 here. But I have to ask you about that name calling by</p> <p>15 David Castillo. Do you remember what names Mr. Castillo</p> <p>16 called you?</p> <p>17 A. Yes.</p> <p>18 Q. What names did Mr. Castillo call you while</p> <p>19 y'all were both working at Kroger?</p> <p>20 A. He called me a faggot.</p> <p>21 Q. What other names did he call you?</p> <p>22 A. Gay.</p> <p>23 Q. And I know it may be difficult, but just tell</p> <p>24 me all the names that David Castillo called you while</p> <p>25 y'all were both working at Kroger.</p>	<p>1 A. I felt ashamed, I felt embarrassed, and hurt.</p> <p>2 It hurts when he calls me those names.</p> <p>3 Q. Did you think it was funny?</p> <p>4 A. No.</p> <p>5 Q. Did you think it was just horseplay between</p> <p>6 you and him?</p> <p>7 A. No, sir.</p> <p>8 Q. Why do you think David was calling you those</p> <p>9 names?</p> <p>10 <b>MR. BARRON: Objection, calls for</b></p> <p>11 <b>speculation.</b></p> <p>12 A. There's something wrong with him.</p> <p>13 Q. (By Mr. Caycedo) Why do you believe he was</p> <p>14 calling you those names?</p> <p>15 <b>MR. BARRON: Same objection.</b></p> <p>16 A. Because he was making those sexual remarks</p> <p>17 because he wanted to be with me.</p> <p>18 Q. (By Mr. Caycedo) And why do you say that?</p> <p>19 A. Because he kept touching me. He touched me</p> <p>20 and grabbed me.</p> <p>21 Q. When he touched you and grabbed you, how did</p> <p>22 that make you feel?</p> <p>23 A. Very dirty.</p> <p>24 Q. Did you think the touching was funny?</p> <p>25 A. No.</p>



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1 Q. Did you think the touching was just horseplay  
2 between you and he?  
3 A. No. It's horrible. People laughed at me in  
4 the back room and made fun of me. They all thought it  
5 was funny.  
6 Q. Who made fun of you?  
7 A. All of them did. L.J. Jason. They heard  
8 about it. Tony. And I told Tony that, What are you  
9 going to do when it happens to you? He goes, It's not  
10 going to happen to me.  
11 Q. You sat in David – you sat in Tony Medina's  
12 deposition yesterday. Do you remember that?  
13 A. Yes.  
14 Q. Did you ever hear him admit that you had made  
15 those complaints to him?  
16 A. No.  
17 Q. Do you believe Tony Medina is an honest  
18 person?  
19 A. No.  
20 Q. Why not?  
21 A. Huh?  
22 Q. Why not?  
23 A. Because he didn't tell the truth.  
24 Q. Why do you think he didn't tell the truth?  
25 A. Because he didn't want to. Because he knows

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1 going to – I wrote them all down and I'm going to walk  
2 through each one. And I understand that –  
3 A. How many times he called me those?  
4 Q. Yeah, just your best recollection. I'm going  
5 to walk through each one, and you just tell me.  
6 How many times do you believe he called  
7 you "faggot"?  
8 A. I don't know how many times. He called me  
9 quite a few times.  
10 Q. Okay.  
11 A. I don't know.  
12 Q. If you had to estimate, what would you say?  
13 A. It's hard to say because he did it regular –  
14 on a regular basis.  
15 Q. Okay. Can you put a number on it at all?  
16 A. I don't know. He just did this on a regular  
17 basis.  
18 Q. Okay. What about "gay"?  
19 A. He did that a lot.  
20 Q. Okay. And you don't think it's possible to  
21 put a number on it?  
22 A. No.  
23 Q. Okay. How about "princess"?  
24 A. A few times.  
25 Q. How about "mija"?

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1 what happened back there.  
2 Q. When you say "he didn't tell the truth," what  
3 – what exactly are you talking about?  
4 A. He knows the things that happened to me in the  
5 back room. He knows all the things that happened to me  
6 in the back room. He just didn't want to do nothing  
7 about it.  
8 Q. The things we've talked about here today?  
9 A. Yes, sir. He knows exactly everything. And  
10 Jason told me that he didn't want to do nothing with the  
11 situation, because he said that he didn't want it to  
12 affect his promotion.  
13 Q. Have you tried your best to answer your  
14 questions the best you can here today?  
15 A. Yes. I know I'm not perfect, but I do the  
16 best I can.  
17 MR. CAYCEDO: We'll reserve.  
18 MR. BARRON: Okay. I just have a few.  
19 I'm sorry.  
20 FURTHER EXAMINATION  
21 BY MR. BARRON:  
22 Q. You went – you told opposing counsel a number  
23 of names that – that Mr. Castillo called you. And I  
24 would just like to know your best recollection of how  
25 many times you were called those names. And I'm just

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1 A. A few times.  
2 Q. When you say "a few times," I just want to get  
3 an idea of what you think you mean by that. How – in  
4 – in your opinion, "a few" is how many?  
5 A. I don't know. It's just...  
6 Q. Like, less than five would be a few?  
7 A. More than – more than five, I'd say. I'd say  
8 at least – at least 12.  
9 Q. Okay. So when you say "a few," you think that  
10 means about 12?  
11 A. A few is more like – to me?  
12 Q. Yeah.  
13 A. How I feel?  
14 Q. Yeah.  
15 A. A few, more than – more than five.  
16 Q. Okay.  
17 A. It was more than five.  
18 Q. So somewhere between five and 12?  
19 A. Yes.  
20 Q. All right. "Homosexual," how many times do  
21 you recall him calling you that?  
22 A. I don't know how many times. He called me a  
23 lot. I'm not like that.  
24 Q. Okay.  
25 A. I'm not like that.



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IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ROBERT SALINAS )  
 )  
VS. ) CIVIL ACTION NO.  
 ) 4:14-CV  
KROGER TEXAS, L.P. )

REPORTER'S CERTIFICATION TO THE  
DEPOSITION OF ROBERT SALINAS  
TAKEN ON JUNE 2, 2015

I, MYLINDA TUBBS FAIRCLOTH, Certified Shorthand  
Reporter in and for the State of Texas, hereby certify  
to the following:

That the witness, ROBERT SALINAS was duly sworn by  
the officer and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness.

That the deposition transcript was made available  
on June 15, 2015 to the witness or to the attorney for  
the witness for examination, signature, and return to  
Elite Reporting Service, Inc., by July 15, 2015.

That the amount of time used by each party at the  
deposition is as follows:

Mr. Frank J. Caycedo - 0 hours, 5 minutes;  
Mr. David L. Barron - 5 hours, 20 minutes;  
Mr. Brock C. Akers - 0 hours, 0 minutes.

That pursuant to information given to the  
deposition officer at the time said testimony was taken,



ORAL AND VIDEOTAPED DEPOSITION OF  
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1 the following includes all parties of record:

2 Mr. Frank J. Caycedo, Attorney for Plaintiff;

3 Mr. David L. Barron, Attorney for Defendant;

4 Mr. Brock C. Akers, Attorney for Defendant.

5 I further certify that I am neither counsel for,  
6 related to, nor employed by any of the parties in the  
7 action in which this proceeding was taken, and further  
8 that I am not financially or otherwise interested in the  
9 outcome of this action.

10 Further certification requirements will be  
11 certified to after they have been met.

12 Sworn to by me this 12th day of June, 2015.

13   
14

15 MYLINDA TUBBS FAIRCLOTH, CSR  
16 Certification No. 2896  
17 Expiration Date: 12-31-16

18 ELITE REPORTING SERVICE, INC.  
19 Registration No. 75  
20 5090 Richmond Avenue, #500  
21 Houston, Texas 77056  
22 (713) 623-4434  
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25



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COURT REPORTER'S FURTHER CERTIFICATION

The original deposition transcript or Changes and  
Signature page \_\_\_\_\_ was or ☒ was not returned to the  
deposition officer. If returned, date received:

N/A;

If returned, the attached Changes and Signature  
page contains any changes and the reasons therefor;

If returned, the original deposition transcription  
was delivered to Mr. David L. Barron for safekeeping on

7/22/15;

That a copy of this certificate was served on all  
parties shown herein.

Witness my hand this 21<sup>st</sup> day of July,  
2015.

MYLINDA TUBBS FAIRCLOTH, CSR  
Certification No. 2896  
Expiration Date: 12-31-16

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